

### **Remarks**

Claims 1, 4 – 12, and 14 – 21 were pending. Claims 1, 4 – 12, and 14 – 21 presently stand rejected. By this response, claims 1, 4 – 7, 12, and 18 have been amended. Examination and reconsideration of the claims in view of the following remarks are respectfully requested.

### **35 U.S.C. §101 Rejections**

Claims 1 and 12 stand rejected under 35 U.S.C. § 101 “because the claimed invention is directed to non-statutory subject matter.” (Page 2, Action.) Particularly, the Examiner indicated that the “method and system claims consist of an abstract idea which is a judicial exception to 35 U.S.C. 101 (i.e., an abstract idea, natural phenomenon, or law of nature) and is not directed to a practical application of such judicial exception (e.g., because the claim does not require any physical transformation and the invention as claimed does not produce a useful, concrete, and tangible result). Specifically, the method needs to be tied to a particular apparatus such as a computer processor and a gaming machine.”

Claims 1 and 12 have been amended. Amended claims 1 and 12 include “a gaming machine” or “a gaming system,” and “wagering a residual credit,” respectively. A gaming machine implemented method is tangible and concrete. When a player wins, the gaming machine awards the player a prize based on the wager or the residual credit. Therefore, as amended, claims 1 and 12 meet the requirements of 35 U.S.C. §101.

Withdrawal of the rejections is respectfully requested.

### **35 U.S.C. §103 Rejection**

Claims 1, 4 – 12, and 14 – 21 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,966,834 (“Johnson”) in view of U.S. Patent No. 6,703,673 (“Webb”).

Applicants respectfully disagree.

Claims 1 and 12 are independent claims.

Claim 1 is directed to “[a] wagering a residual credit of a gaming machine to win a prize having a prize value, **the residual credit** being equivalent to units of monetary value which is held within the gaming machine and **is indispensable by the gaming machine**,” the method includes, among other things, “determining a range of random numbers as a function of the prize value,” “determining at least one winnable outcome value **dependent on** the value of the **residual credit indispensable by the gaming machine**,” “randomly generating an outcome from the range of random numbers,” “comparing the generated outcome in relation to the winnable outcome value,” and “awarding the prize from the gaming machine if the generated outcome relationally matches any of the winnable outcome values.” Emphasis added.

The Examiner indicates that Johnson “fails to explicitly teach determining a number of winnable outcome values dependent on the residual credit.” See page 4 of Action.

Applicants also do not agree with the Examiner’s characterization of Johnson. Rather, **Johnson discloses that turnover credits are used in the wagering process, not any residual credit as asserted by the Examiner.** See page 3 of Action.

For example, Johnson discloses that “[t]he jackpot controller 13 calculates and manages the jackpot pools from the information provided to it by the monitoring system 12. The only meter required by the jackpot controller from the monitoring system is the current value of the turnover meter of each EGD.” See col. 4, lines 36 – 40. Johnson further defines turnover credits as the credits accumulated in the gaming machine since the gaming machine was commissioned. For example, Johnson discloses that “[t]he turnover meter usually indicates the accumulated turnover, e.g. credits bet, since the EGD was commissioned.” See col. 4, lines 42 – 43.

Therefore, Johnson does not teach or suggest at least “[a] wagering a residual credit of a gaming machine to win a prize having a prize value, the residual credit being equivalent to units of monetary value which is held within the gaming machine and is indispensable by the gaming machine,” and “determining at least one winnable outcome value **dependent on** the value of the **residual credit indispensable by the gaming machine**,” as recited in claim 1. Emphasis added.

Webb does not cure deficiencies of Johnson.

The Examiner indicates that “Webb teaches using fractional credits to receive full credits or promo awards (Abstract) to create a unique opportunity for casinos...” See page 4 of Action.

That is, Webb teaches a player being able to **receive full credits** after an amount of fractional credits has been accumulated or consolidated. However, once the accumulated or consolidated amount reaches a full credit, **the accumulated or consolidated amount is no longer indispensable**. Rather, the accumulated or consolidated amount is dispensable, which teaches away from “[a] method of using a residual credit of a gaming machine to win a prize, **the residual credit** being equivalent to units of monetary value which is held within the gaming machine and **is indispensable by the gaming machine**,” and “determining at least one winnable outcome value **dependent on the value of the residual credit indispensable by the gaming machine**,” as recited in claim 1. Emphasis added.

Furthermore, Webb is completely silent on “determining a number of winnable outcome values dependent on the residual credit,” as recited in claim 1.

Therefore, neither Johnson nor Webb, in combination teaches or suggests all elements of claim 1.

Accordingly, claim 1 and dependent claims 4 – 11 are allowable for at least the same reasons set forth above.

Claim 12 similarly tracks claims 1. Therefore, claim 12 and dependent claims 13 and 14 are also allowable for at least the same reasons set forth above.

No new matter has been added.

**Conclusion**

Applicant respectfully submits that all of claims 1, 4 – 12, and 14 – 21 are allowable. In the event that the Examiner believes a telephone interview with the undersigned Applicant's Representative would be helpful in advancing prosecution of this patent application, the undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

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